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Senator Joe Hune
PO Box 30036
Lansing, Michigan 48909-7536

Dear Senator Hune:

I grow more concerned each day regarding proposed bills SB 1115, 1116, 1117, and 1118, and that our elected officials serving on the Michigan Senate Insurance Committee will fall prey to the whining of a small subset of Michigan citizens, the bullying of select members of the Michigan Senate and the fallacies provided by strong lobbyists paid for by the Michigan State Medical Society.

As a former nurse and risk management consultant, I had the pleasure of holding the position of Chief of Risk Management for the Michigan State Medical Society. I was responsible for planning and providing risk management education to the physicians of Michigan and their staff members, and for performing risk management audits of medical practices. I conducted approximately 150 to 200 presentations and seminars a year, teaching procedures and protocols that could be implemented in a medical practice to promote quality care, prevent medical misadventures, and in the event of such an occurrence, minimize the injury and the damage. Many of the physicians were very receptive to the information I provided and were willing to implement the actions I recommended. However, while there were many well-intended physicians, there were just as many who scoffed at the value of my advice and only made changes if and when they perceived a **THREAT OF MALPRACTICE – AND NOT BASED ON THE CONTRIBUTION THESE RECOMMENDATIONS HAD ON THE QUALITY OF PATIENT CARE.** A number of these physicians only implemented the recommended advice when mandated by their liability insurance providers. Passage of these bills and creating an unconstitutional favored class will provide nothing more than a slap on the hand to physicians for medical injuries and will not hold a physician accountable for their actions. **I fear the disastrous consequences to the population of Michigan should the threat of medical malpractice be eliminated.**

Since learning of these proposed bills, I have had many conversations with numerous people regarding them. As I suspected, people in my schooling group, my book club, my neighborhood committee, my church study group and my writing class were all unaware that such bills were being considered. They were **outraged** that physicians could be granted immunity for their mistakes, and the victims left without compensation for their injuries. In each of these groups, there was at least one person who had been victim to some sort of medical misadventure, ranging from minimal to moderate damages. None had brought suit against the physician, but the idea that this right would be taken away was appalling to them.

Throughout these discussions, several points were made and I would like to share them with you.

1. Behavioral experts tell us that consequences are the greatest influence on one's behavior. I know of no parenting book in which consequences are not the backbone of the advice. The behavior and actions of physicians are no exception. The threat of a malpractice lawsuit DOES positively affect the quality of care provided.

2. These bills will place the wants of several thousand physicians ahead of the best interests and rights of 9.8 million Michigan citizens, as well as non-citizens seeking health care in our wonderful state. Voting yes in the insurance committee and allowing these bills to proceed to the senate floor – where the vast majority of congressmen rely too much on lobbyists and not enough on the truthful relevant facts and statistics - will endanger the welfare of the Michigan citizens who you represent, just to placate the whining of a subset of Michigan physicians and the Michigan State Medical Society. The “facts” being used to justify the need for these drastic, rights-removing bills are not truthful or statistically correct. Physicians are not leaving the state in crisis proportions, malpractice insurance premiums in Michigan are not significantly higher than in other states but are consistent with those paid throughout the rest of the country, and indemnity payments per case for malpractice actions in Michigan are among the lowest in the country. Tort reform of the 1980s and 1990s has significantly reduced the number of cases filed and the amount of money paid, significantly reduced the threat of nuisance lawsuits and outrageous awards against physicians, while preserving the rights of the citizens to obtain just compensation for malpractice injuries.

3. If such immunity is extended to physicians, why not extend it to other professions and individuals as well? The threat of malpractice affects lawyers, why exclude them? What about the professional truck driver that runs over a child playing in the road? To me, and to numerous people with whom I have discussed these bills, it seems unconstitutional that immunity and special treatment would be extended to a very small segment of our population. What makes physicians a favored class of people?

4. Why is a person injured as a result of poor medical judgment or skill to be denied legitimate compensation for damages, yet should a plumber ruin a homeowner's floor due to faulty plumbing work, he could be sued and required to reimburse the homeowner for the repair of the damages. A Michigan citizen's hardwood flooring is more valuable than his health and well being?

5. Michigan will be flooded with sub-standard physicians – those who are unable to get insurance in other states will look to Michigan as a Mecca. Can't practice in New York because your knowledge, judgment and skills are severely flawed? Then go to **Pure Michigan**. Does our current governor and administration want our state to be known as the haven for poor practitioners?

Please, Senator Hune, think long and hard on the effect these bills will have on our wonderful state before casting your vote. Thank you for taking the time to read my letter and consider my points of discussion.

Sincerely,

Julia A. Smith